

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

ONSTREAM MEDIA CORPORATION,

Plaintiff,

v.

LIFESIZE, INC.,

Defendant.

Case No. 6:19-cv-00709

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Onstream Media Corporation (“Onstream”) files this Complaint against Lifesize, Inc. (“Lifesize”) for patent infringement of United States Patent Nos. 9,161,068; 9,467,728; 10,038,930; and 10,200,648 (the “patents-in-suit”) (Exhibits 1-4) and alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

THE PARTIES

2. Plaintiff Onstream Media Corporation is a corporation organized under laws of the State of Florida with its principal place of business at 1451 W. Cypress Creek Rd., No. 204, Ft. Lauderdale, FL 33309.

3. On information and belief, Defendant Lifesize, Inc. is incorporated under the laws of the State of Delaware with its principal place of business at 1601 S. MoPac Expressway, Suite 100, Austin, Texas 78746.

4. Lifesize may be served with process through its registered agent, C T Corporation System, 1999 Bryan Street, Suite 900 Dallas, Texas 75201.

5. On information and belief, since on or about February 3, 2016, Lifesize has been registered to do business in the state of Texas under Texas SOS file number 0802394476.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

7. Lifesize is subject to this Court's personal jurisdiction, in accordance with due process and/or the Texas Long Arm Statute because, in part, Lifesize "[r]ecruits Texas residents, directly or through an intermediary located in this State, for employment inside or outside this State." *See* Tex. Civ. Prac. & Rem. Code § 17.042.

8. This Court has personal jurisdiction over Lifesize because it committed and continues to commit acts of infringement in this judicial district in violation of 35 U.S.C. §§ 271(a) and (b). In particular, on information and belief, Lifesize has made, used, offered to sell and/or sold infringing products, services and/or systems in this judicial district.

9. On information and belief, Lifesize is subject to the Court's jurisdiction because it regularly conducts and solicits business, or otherwise engages in other persistent courses of conduct in this district, and/or derives substantial revenue from the sale and distribution of goods and services provided to individuals and businesses in this district.

10. This Court has personal jurisdiction over Lifesize because, *inter alia*, Lifesize, on information and belief: (1) has committed acts of patent infringement in this judicial district; (2) maintains its principal place of business in the judicial district; (3) has substantial, continuous, and systematic contacts with this State and this judicial district; (4) owns, manages, and operates facilities in this State and this judicial district; (5) enjoys substantial income from its operations and sales in this State and this judicial district; (6) employs Texas residents in this State and this judicial district, and (7) solicits business and markets products, systems and/or services in this State and judicial district including, without limitation, the infringing Lifesize cloud-based service and related products and services ("Lifesize Live Stream Platform").

11. Venue is proper pursuant to 28 U.S.C. §§ 1391(b), (c), (d) and/or 1400(b), at least because Lifesize, has committed acts of infringement in this district, and has a regular and established place of business in this district.

12. On information and belief, since at least as early as 2016,¹ Lifesize has had a regular and established place of business in this judicial district.

13. On information and belief, Lifesize maintains a significant physical presence in this district. For example, Lifesize has a “Main Office”² located at 1601 S. MoPac Expressway, Suite 100, Austin, Texas 78746, (the “Lifesize Main Office”), which is within this judicial district, and which Lifesize uses as an established place of business.

14. On information and belief, the Lifesize Main Office is emblazoned with signage indicating Lifesize’s operation of a regular and established business at the Lifesize Main Office location:



¹ See <https://www.lifesize.com/en/company/news/in-the-news/2016/20160114-comms-business-lifesize-splits-from-logitech>.

² See <https://www.lifesize.com/en/company/contact>.

See

https://d9v4h7ffge8st.cloudfront.net/en/~media/Images/About/about_mid_news.jpg.

14. On information and belief, the Travis County Appraisal District website indicates that Lifesize owns property in this judicial district in the appraised sum of \$1,315,451 located at 1601 S. Mo-Pac Expressway C-100 Austin, TX 78746.³

15. On information and belief, Lifesize uses the Lifesize Main Office as a regular and established business location because this corporate office location is where Lifesize is “headquartered.”⁴

16. On information and belief, Lifesize uses the Lifesize Main Office as a regular and established business location because this corporate office location is where Lifesize CEO, Mr. Craig Malloy is based.⁵

17. On information and belief, Lifesize uses the Lifesize Main Office as a regular and established business location because it houses employees who support a variety of business efforts including: engineering efforts, marketing efforts, operations efforts, product management efforts, sales efforts, and technical service and support efforts.⁶

³ See http://propaccess.traviscad.org/clientdb/Property.aspx?prop_id=578356.

⁴ See <https://www.lifesize.com/en/company/news/press-releases/2018/20181114-lifesize-announces-matt-hibbard-chief-financial-officer>.

⁵ See <https://www.linkedin.com/in/craig-malloy-b30564/>.

⁶ See http://jobs.jobvite.com/careers/lifesize/jobs?__jvst=Career+Site.

18. On information and belief, Lifesize is currently advertising approximately 10 open positions in Austin, Texas.⁷

19. On information and belief, publicly-available information lists 60 H-1B labor applications that Lifesize filed for persons employed in Austin, Texas since 2016.⁸ On information and belief, the workers Lifesize employs in the judicial district, including but not limited to those workers holding, or who have held, H-1B visas, are highly specialized and important to the regular operation of Lifesize because workers holding an H-1B visa are employed in a specialty occupation that requires a “theoretical and practical application of a body of highly specialized knowledge . . . and attainment of a bachelor’s or higher degree in the specific specialty. . . .” *See generally* 8 U.S.C. § 1184.

20. On information and belief, the accused products and services offered by Lifesize including but not limited to the accused Lifesize Live Stream Platform, that Lifesize uses, makes, markets, distributes, offers to sell, and sells to consumers throughout the United States and in this judicial district, infringe one or more of the claims of the patents-in-suit, were/are made by, were/are developed by, were/are marketed by, were/are supported by, or were/are serviced by employees located in the

⁷ See http://jobs.jobvite.com/careers/lifesize/jobs?_jvst=Career+Site.

⁸ See https://h1bsalary.online/index.php?searchtext=LIFESIZE+INC&year=&minsalary=&state=Texas&worksite_city=&job_title=

judicial district who work at one or more of Lifesize's regular and established business locations in the judicial district, including without limitation, the Lifesize Main Office.

21. On information and belief, Lifesize derives substantial revenue within the judicial district from the offer of infringing services, including but not limited to the accused Lifesize Live Stream Platform. On information and belief, dozens of Lifesize users who reside in the judicial district regularly use the accused Lifesize Live Stream Platform while they are present in this judicial district.

22. On information and belief, the users of the accused Lifesize Live Stream Platform include Lifesize employees who work in this judicial district, and who use the Lifesize Live Stream Platform as a part of their official work functions while working at the Lifesize Main Office.

23. On information and belief, additional users of the accused Lifesize Live Stream Platform, who are located in the judicial district include, for example, WP Engine, "a global tech company with over 500 employees."⁹ Further examples of the users of the accused Lifesize Cloud Platform who are located in the judicial district

⁹ See e.g. <https://www.lifesize.com/en/resources/case-studies/wp-engine>.

include, Silicon Labs,¹⁰ Heaven Hill Brands,¹¹ Village Presbyterian Church,¹² and Vanguard Truck Centers.¹³

United States Patent No. 9,161,068

24. On October 13, 2015, the United States Patent and Trademark Office (“USPTO”) duly and legally issued United States Patent No. 9,161,068 (“the ‘068 patent”) entitled “Remotely Accessed Virtual Recording Room” to inventor Gregory Duane Ellis. A true and correct copy of the ‘068 patent is attached as Exhibit 1.

25. The ‘068 patent is presumed valid under 35 U.S.C. § 282.

26. Onstream owns all rights, title, and interest in the ‘068 patent.

27. Onstream has not granted Lifesize a license to the rights under the ‘068 patent.

28. The ‘068 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

¹⁰ See e.g.

<https://www.lifesize.com/~media/Documents/Case%20Studies/Companies%20M%20through%20Z/Silicon%20Labs%20Case%20Study.ashx>.

¹¹ See e.g.

<https://www.lifesize.com/~media/Documents/Case%20Studies/Companies%20A%20Through%20L/Heaven%20Hill%20Brands%20Case%20Study.ashx>.

¹² See e.g.

<https://www.lifesize.com/fr/~media/0462FEA6263D45C5A259CBC696C608B4.ashx?lc=France>.

¹³ See e.g.

<https://www.lifesize.com/~media/F83CC18E762D4C66A517ECC710DA2759.ashx>.

29. The claimed invention(s) of the '068 patent sought to solve problems with, and improve upon, existing audio and video recording, storage, delivery systems. For example, the '068 patent states:

Unfortunately, new systems and methods for increasing the capabilities of online business-related communications and transactions often result in increased intellectual complexity and/or increased computer system requirements. This tendency is undesirable because another main avenue for increasing the productivity of online business-related communications and transactions is to increase the number of people who are participating in these online business-related transactions.

See '068 Specification at col. 1, ll. 31-39.

30. The '068 patent then states:

Accordingly, it would be highly valuable if any new systems and methods for increasing the capabilities of online business-related communications and transactions also could be simple enough to help attract new users to the online business market and also not have extensive computer system requirements.

See '068 Specification at col. 1, ll. 39-44.

31. The '068 patent then also states:

Accordingly, there has been a long existing need for a system that improves the level of communication possible with respect to online business-related transactions. Further, there is a continuing need for an improved system and/or method that is simple, efficient, and does not have extensive computer system requirements. Accordingly, those skilled in the art have long recognized the need for a system and method that addresses these and other issues.

See '068 Specification at col. 1, ll. 45-52.

32. The invention(s) claimed in the '068 patent solves various technological problems inherent in the then-existing audio and video recording, storage, and delivery systems and enables audio and video recording, storage, and delivery systems to,

among other things, (1) function more efficiently, (2) lower the required level of expertise for users of such systems, (3) avoid the need to install and burden front end computer and electronic devices with additional software, (4) reduce or eliminate entirely the need for local memory storage devices and other specialized recording equipment, and (5) reduce or eliminate other hardware and software requirements inherent in prior art audio and video recording and distribution systems.

United States Patent No. 9,467,728

33. On October 11, 2016, the USPTO duly and legally issued United States Patent No. 9,467,728 (“the ‘728 patent”) entitled “Remotely Accessed Virtual Recording Room” to inventor Gregory Ellis. A true and correct copy of the ‘728 patent is attached as Exhibit 2.

34. The ‘728 patent is presumed valid under 35 U.S.C. § 282.

35. Onstream owns all rights, title, and interest in the ‘728 patent.

36. Onstream has not granted Lifesize a license to the rights under the ‘728 patent.

37. The ‘728 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

38. The specification of the ‘728 patent is the same as the ‘068 patent specification and addresses and solves the problems recited above and described in the ‘728 patent specification.

United States Patent No. 10,038,930

39. On July 31, 2018 the USPTO duly and legally issued United States Patent No. 10,038,930 (“the ‘930 patent”) entitled “Remotely Accessed Virtual Recording Room” to inventor Gregory Duane Ellis. A true and correct copy of the ‘930 patent is attached as Exhibit 3.

40. The ‘930 patent is presumed valid under 35 U.S.C. § 282.

41. Onstream owns all rights, title, and interest in the ‘930 patent.

42. Onstream has not granted Lifesize a license to the rights under the ‘930 patent.

43. The ‘930 patent relates to, among other things, an audio and video stream recording, storage and delivery system.

44. The claimed invention(s) of the ‘930 patent sought to solve problems with, and improve upon, existing audio and video recording, storage, delivery systems.

45. The specification of the ‘930 patent is the same as the ‘068 patent specification and addresses and solves the problems recited above and described in the ‘068 patent specification.

United States Patent No. 10,200,648

46. On February 5, 2019, the USPTO duly and legally issued United States Patent No. 10,200,648 (“the ‘648 patent”) entitled “Remotely Accessed Virtual Recording Room” to inventor Gregory Duane Ellis. A true and correct copy of the ‘648 patent is attached as Exhibit 4.

47. The ‘648 patent is presumed valid under 35 U.S.C. § 282.

48. Onstream owns all rights, title, and interest in the '648 patent.
49. Onstream has not granted Lifesize a license to the rights under the '648 patent.
50. The '648 patent relates to, among other things, an audio and video stream recording, storage and delivery system.
51. The claimed invention(s) of the '648 patent sought to solve problems with, and improve upon, existing audio and video recording, storage, delivery systems.
52. The specification of the '648 patent is the same as the '068 patent specification and addresses and solves the problems recited above and described in the '648 patent specification.

CLAIMS FOR RELIEF

Count I – Infringement of United States Patent No. 9,161,068

53. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.
54. On information and belief, Lifesize is the developer, owner, and operator of an online video streaming service called "Live Stream."¹⁴
55. On information and belief, Lifesize makes, uses, and provides Live Stream service and sells and/or offers to sell products and services in the United States that use the Live Stream service as a feature or component. Lifesize's Live Stream service, as well as the hardware and software components comprising the system that enables the

¹⁴ See <https://youtu.be/oMkL0TH7z3c>.

Lifeseize Live Stream service to operate, including but not limited to servers, server software, networking hardware, networking software, cameras, microphones, telephones, video displays, mobile devices, client software, and other related computer systems and components (the “Lifeseize Live Stream Platform”), infringes, literally and/or under the doctrine of equivalents, at least claim 1 of the ‘068 patent.

56. On information and belief, the Lifeseize Live Stream Platform employs and provides a method that records audio and video material over an Internet browser connection established between a user front end and a host back end.

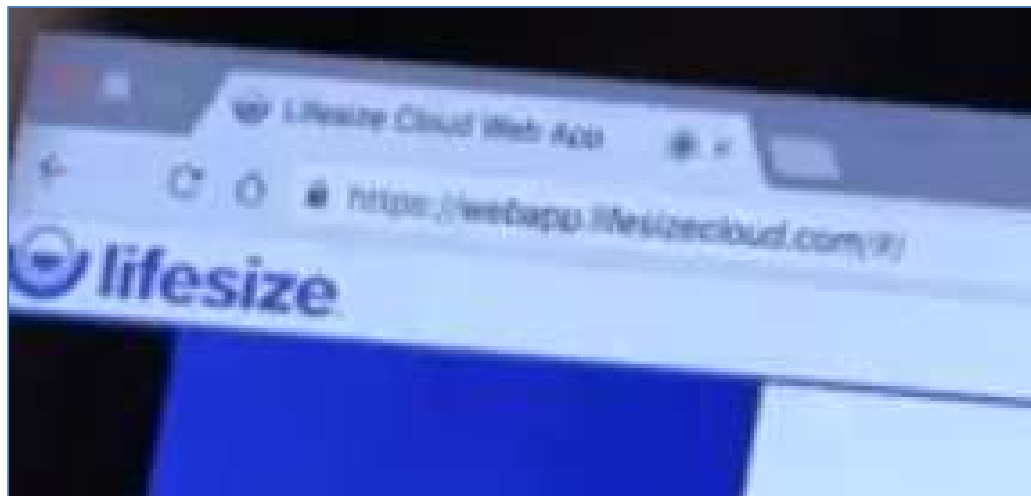
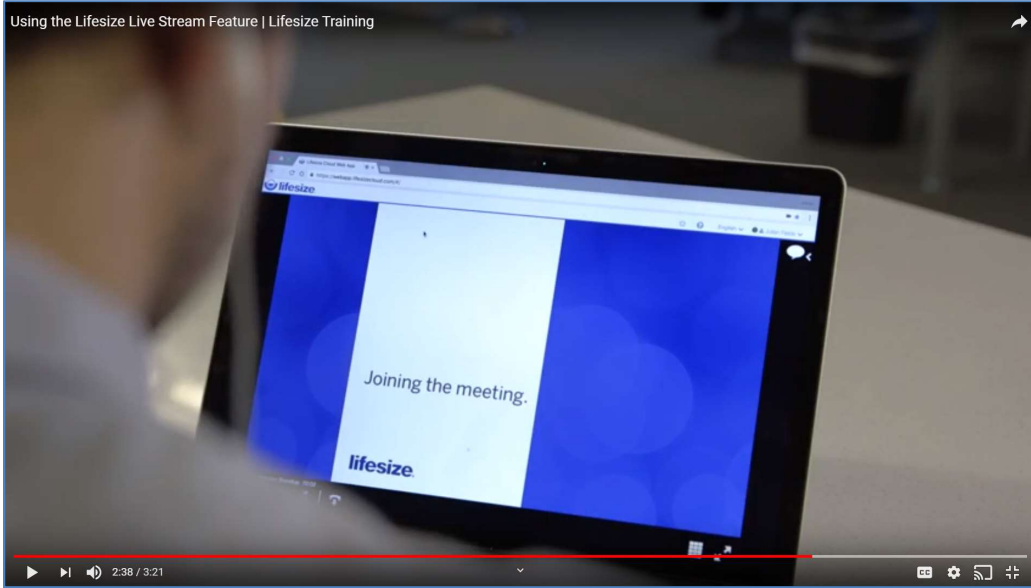
57. On information and belief, the Lifeseize Live Stream Platform can be accessed through Lifeseize Apps.

58. On information and belief, “[t]he Lifeseize app is available from browsers (Firefox®, Internet Explorer® 11, Microsoft Edge™, Safari®), full-featured web app via Google Chrome, desktops (Windows, Mac) and mobile devices (iOS, Android).”¹⁵

59. On information and belief, when a user wants to record audio and video material over an Internet browser connection using the Lifeseize App, Lifeseize’s servers deliver a code, which can be executed by a browser, as demonstrated by the screenshots below:

¹⁵ See

<https://www.lifeseize.com/~media/Documents/Product%20Documentation/Cloud/Product%20Datasheets/Lifeseize%20Cloud%20Datasheet%20English%20USL.ashx?la=en>.





See e.g. <https://youtu.be/oMkL0TH7z3c>.

The web-based admin console provides easy access to set up sharing permissions, monitor utilization and view dashboard reports. Lifesize streaming and recording solutions support simultaneous live stream events for up to 10,000 concurrent viewers. Attendees can watch a live stream from any device right from their internet browser and can even engage in real-time Q&A sessions during the live stream. After the stream has ended, the event moderator can easily share the recording with anyone who missed the live event.

- Stream or record your meeting from any device
- Immediate access to recordings in your personal video library

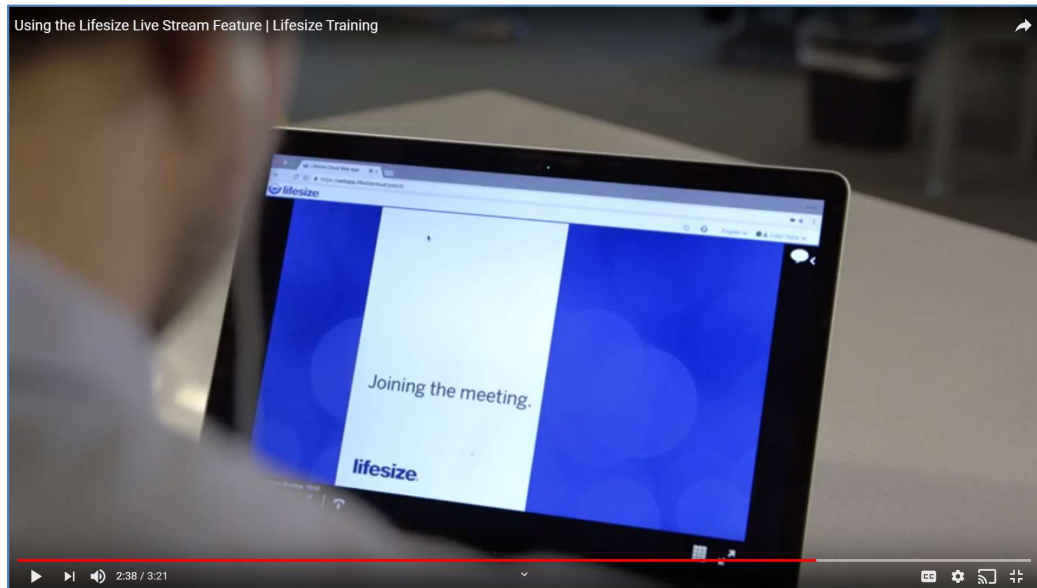
See also

<https://www.lifesize.com/~media/Documents/Related%20Resources/Guides/Streaming%20and%20Recording%20Guide.ashx>.

60. On information and belief, the Lifesize Live Stream Platform delivers a code that enables the streaming of audio and video material.¹⁶


¹⁶ See e.g. <https://www.lifesize.com/en/app-help/guest/call-from-browser>.


61. On information and belief, the Lifesize Live Stream Platform delivers a browser-executable-code that is a browser independent recording application that initiates the audio and video stream to be recorded:



See <https://youtu.be/oMkL0TH7z3c>.

You can record your calls and meetings from any Lifesize device with one click, if your admin has enabled the feature for your Lifesize account group.

When you start a call or during a call, select  to start recording.

Select  to stop the recording. Only the user who started the recording can stop the recording. Ending the meeting for all automatically stops the recording.

NOTE: This does not apply to Live Stream meetings. All Live Stream meetings are automatically recorded. Learn more about [Lifesize Live Stream](#).

When a recording completes, recorded videos are organized and archived into a recording feed for viewing later. To view your recordings, open your Lifesize app and select **View Recordings**.

See also <https://www.lifesize.com/en/app-help/user/call-someone/in-call-controls/start-recording>.

62. On information and belief, the Lifesize Live Stream Platform delivers a code that is browser independent:

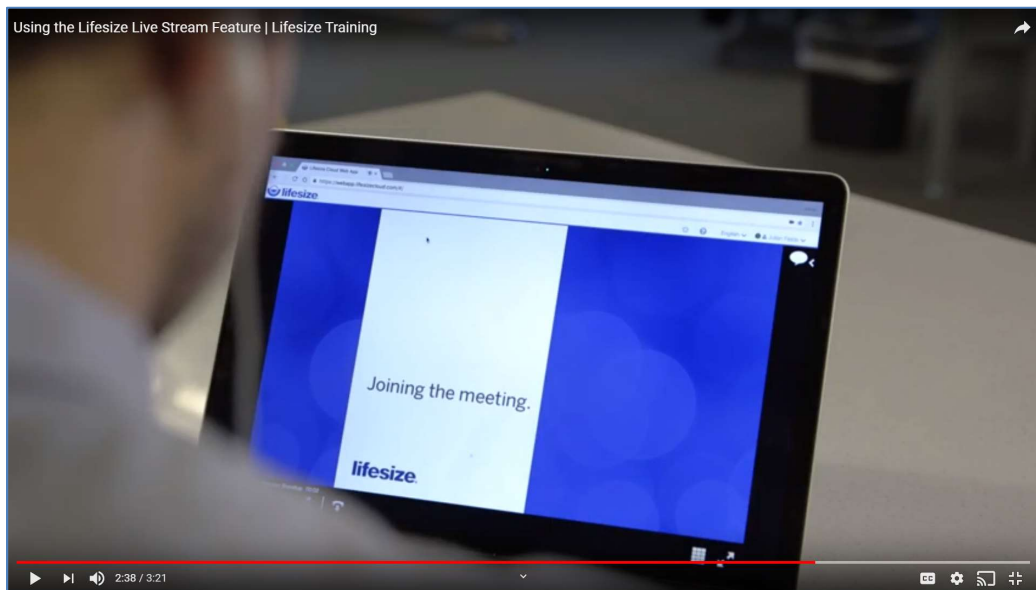
Browser-Based Calling

Using the Lifesize Web App provides the same experience as desktop apps without the need for IT to install software or complicated plug-ins. From the frequent user to the guest, meet on time without the complexity.

See

<https://www.lifesize.com/~media/Documents/Related%20Resources/Product%20Papers/Competitive%20Lifesize%20Cloud%20vs%20Web%20Conferencing.ashx>.

63. On information and belief, the Lifesize Live Stream Platform delivers a code that is executed through a browser at the user front end:



See <https://youtu.be/oMkL0TH7z3c>.

64. On information and belief, the Lifesize Live Stream Platform uses an Internet connection.

The web-based admin console provides easy access to set up sharing permissions, monitor utilization and view dashboard reports. Lifesize streaming and recording solutions support simultaneous live stream events for up to 10,000 concurrent viewers. Attendees can watch a live stream from any device right from their internet browser and can even engage in real-time Q&A sessions during the live stream. After the stream has ended, the event moderator can easily share the recording with anyone who missed the live event.

- Stream or record your meeting from any device
- Immediate access to recordings in your personal video library

See

<https://www.lifesize.com/~media/Documents/Related%20Resources/Guides/Streaming%20and%20Recording%20Guide.ashx>.

65. The Lifesize Live Stream Platform employs and provides a method wherein audio and video material is streamed over the Internet as the audio and video material is captured by a recording device.



See <https://youtu.be/oMkL0TH7z3c>.

66. On information and belief, the Lifesize Live Stream Platform employs and provides a method wherein audio and video material is captured without using any recording software installed on the user front end.

Browser-Based Calling

Using the Lifesize Web App provides the same experience as desktop apps without the need for IT to install software or complicated plug-ins. From the frequent user to the guest, meet on time without the complexity.

See

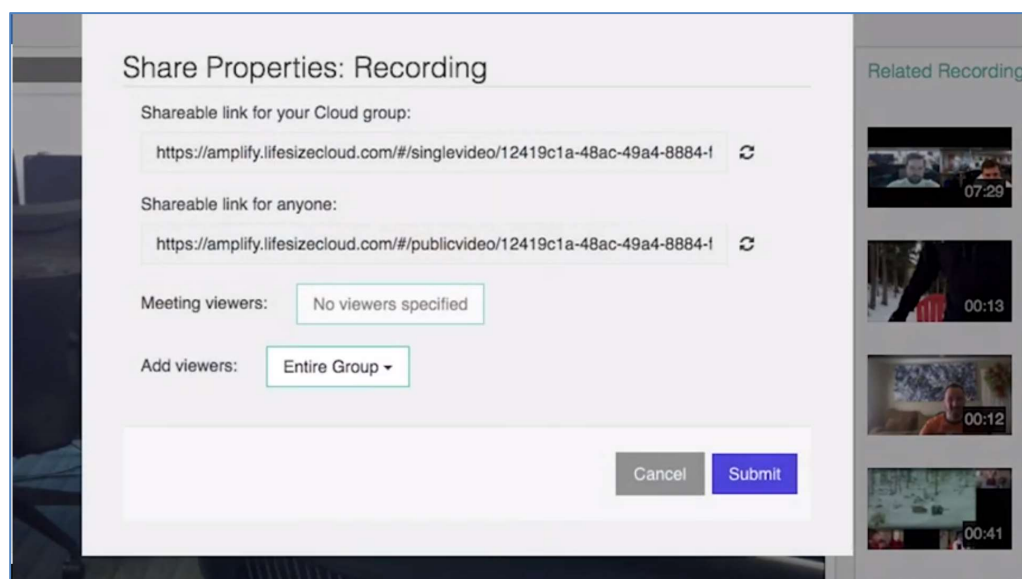
<https://www.lifesize.com/~media/Documents/Related%20Resources/Product%20Papers/Competitive%20Lifesize%20Cloud%20vs%20Web%20Conferencing.ashx>.

67. On information and belief, the Lifesize Live Stream Platform uses and provides a method that does not require transmission of a complete audio and video file from the user front end. Rather, on information and belief, a stream of audio and video material is transmitted to Lifesize's servers as the audio and video material is being captured:



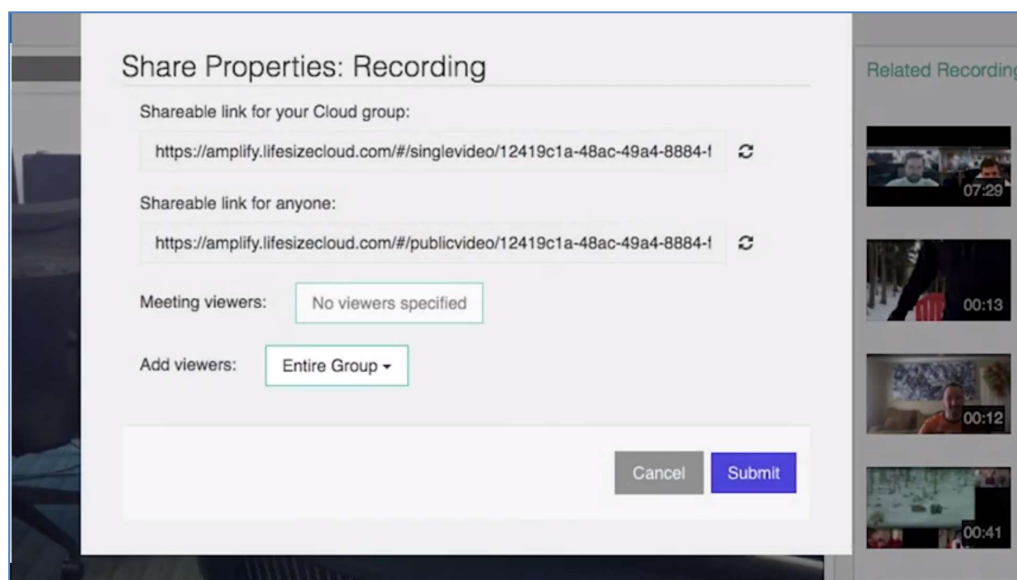
See <https://youtu.be/oMkL0TH7z3c>.

68. On information and belief, the Lifesize Live Stream Platform uses and provides a method wherein the audio and video recordings are made and stored on the host back end as a complete file as demonstrated by the screen capture below:



See <https://youtu.be/oMkL0TH7z3c>.

69. On information and belief, the Lifesize Live Stream Platform uses and provides a method wherein after the recording of audio and video material is complete, Lifesize provides access to the entire audio and video recording through its website, which is hosted on Lifesize's servers, including but not limited to servers accessible through the lifsizecloud.com Universal Resource Locator Address ("URL"), as demonstrated by the screen capture below:



See <https://youtu.be/oMkL0TH7z3c>.

70. On information and belief, Lifesize directly infringes at least claims 1, 18, 35, and 48 of the '068 patent, and is in violation of 35 U.S.C. § 271(a) by using and providing to others the Lifesize Live Stream Platform.

71. On information and belief, Lifesize has been on notice of the '068 patent at least as early as the filing and service of the Complaint in this action.

72. On information and belief, at least since its post-filing knowledge of the '068 patent, Lifesize knowingly encourages, and continues to encourage, customers to

directly infringe one or more claims of the '068 patent, including by Lifesize's actions that include, without limitation, instructing and encouraging customers to use the Lifesize Live Stream Platform through user guides,¹⁷ advertisements¹⁸, promotional materials¹⁹ and instructions.²⁰

73. On information and belief, at least since its post-filing knowledge of the '068 patent, Lifesize knows that the acts Lifesize induced customers to take constitute patent infringement and Lifesize's encouraging acts result in direct infringement by customers.

74. On information and belief, Lifesize instructs and continues to instruct customers, to use the Lifesize Live Stream Platform including, without limitation, through Lifesize's websites, which provides access to, and support for, using the Lifesize Live Stream Platform.

75. On information and belief, Lifesize's customers²¹ directly infringe at least claims 1, 18, 35, and 48 of the '068 patent through their use of the Lifesize Live Stream Platform.

¹⁷ See e.g. <https://www.lifesize.com/en/app-help/user/live-stream>.

¹⁸ See e.g. <https://www.youtube.com/watch?v=oMkL0TH7z3c>.

¹⁹ See e.g. https://www.lifesize.com/~media/Documents/Product%20Documentation/Live%20Stream/SS_LiveStream_US_0117.ashx.

²⁰ See e.g. <https://www.lifesize.com/en/resources/videos/lifesize-live-stream-overview>.

²¹ Lifesize's customers, who directly infringe one or more of the claims of the '068 patent, include but are not limited to the specific aforementioned customers located in

76. On information and belief, Lifesize is in violation of 35 U.S.C. § 271(b) and has been, at least since its post-filing knowledge of the '068 patent, indirectly infringing and continues to indirectly infringe at least claims 1, 18, 35, and 48 of the '068 patent by knowingly and specifically intending to induce infringement by others (including, without limitation, Lifesize's customers) and possessing specific intent to encourage infringement by Lifesize's customers.

77. Lifesize's direct and/or indirect infringement has damaged Onstream and caused it to suffer and will continue to suffer irreparable harm and damages as a result of Lifesize's infringement.

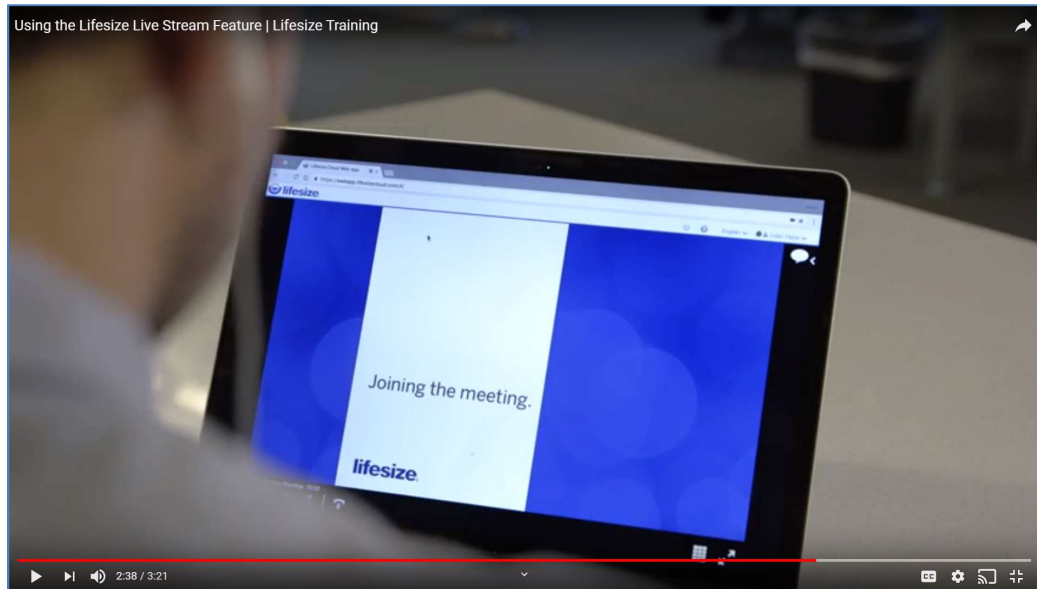
Count II - Infringement of United States Patent No. 9,467,728

78. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

79. The Lifesize Live Stream Platform, infringes, literally and/or under the doctrine of equivalents, at least claim 1 of the '728 patent.

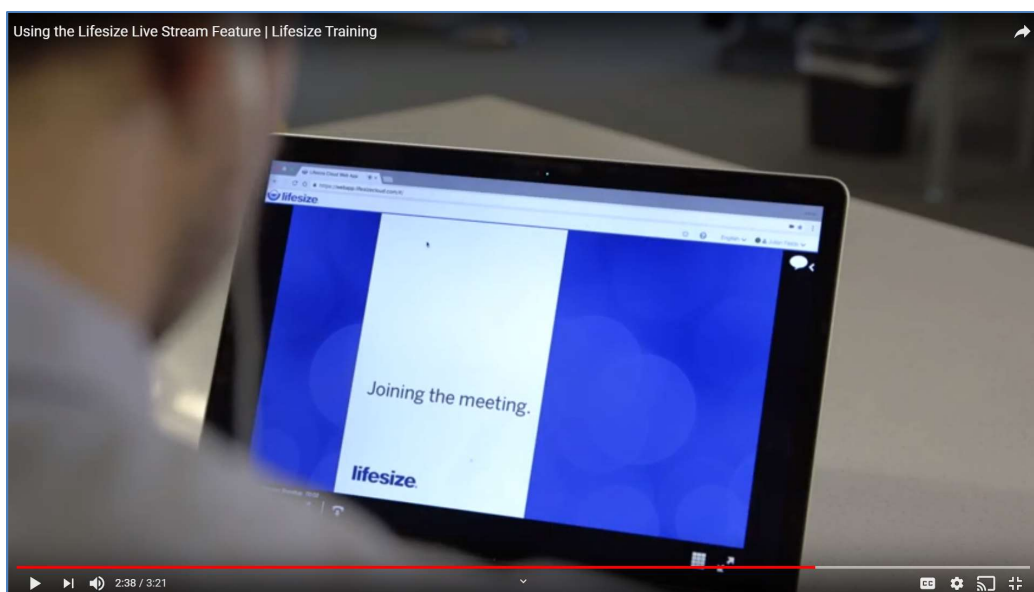
80. On information and belief, the Lifesize Live Stream Platform employs and provides an Internet-based method that records audio and video material over an Internet browser connection established between a user front end and a host back end:

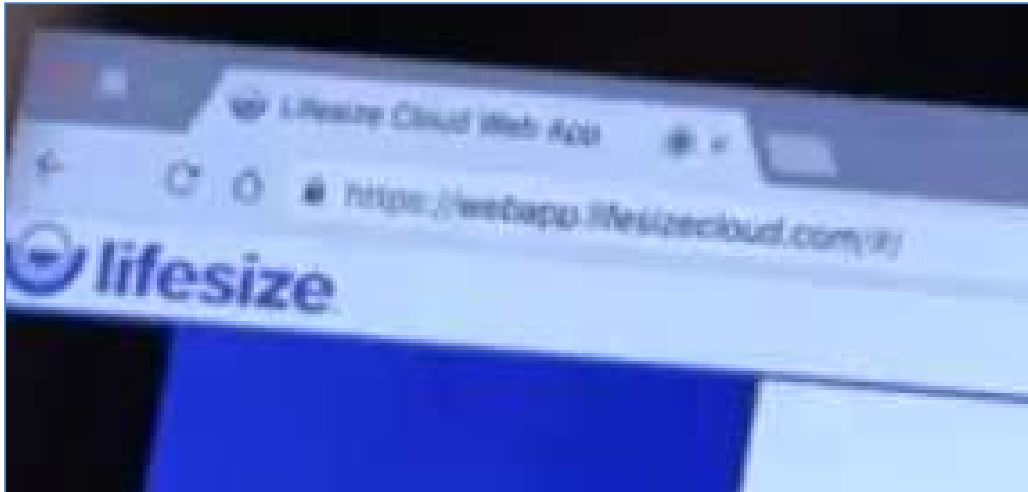
this judicial district, (e.g. WP Engine, Silicon Labs, Heaven Hill Brands, Village Presbyterian Church, and Vanguard Truck Centers), as well as other Lifesize customers including but not limited to Disney, Yale University, Toyota, Ohio State University, Yelp, Crocs, Twitter, NASA, and Clear.



See <https://youtu.be/oMkL0TH7z3c>.

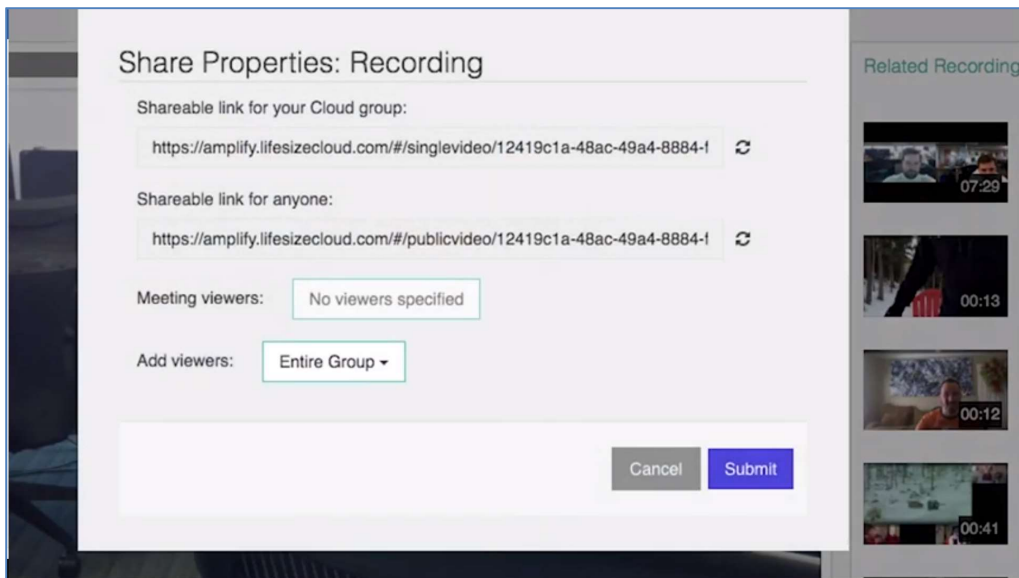
81. On information and belief, the Lifesize Live Stream Platform, including particularly and without limitation, Lifesize's servers which are accessible through the lifesizecloud.com URL, transmit via a network a platform-independent web application, which initiates the streaming of audio and video material from a user's device as the audio and video material is being captured by that device.





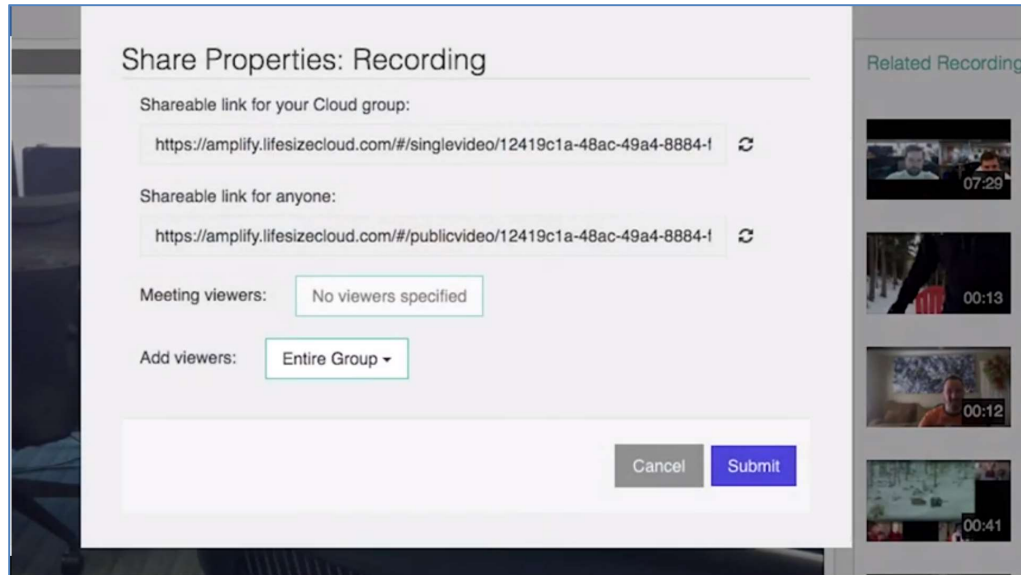
See <https://youtu.be/oMkL0TH7z3c>.

82. On information and belief, the Lifesize Live Stream Platform records audio and video material on Lifesize's servers, including Lifesize's servers that are accessible through the lifesizecloud.com URL, via the Lifesize web application and stores that audio and video material as a complete file.



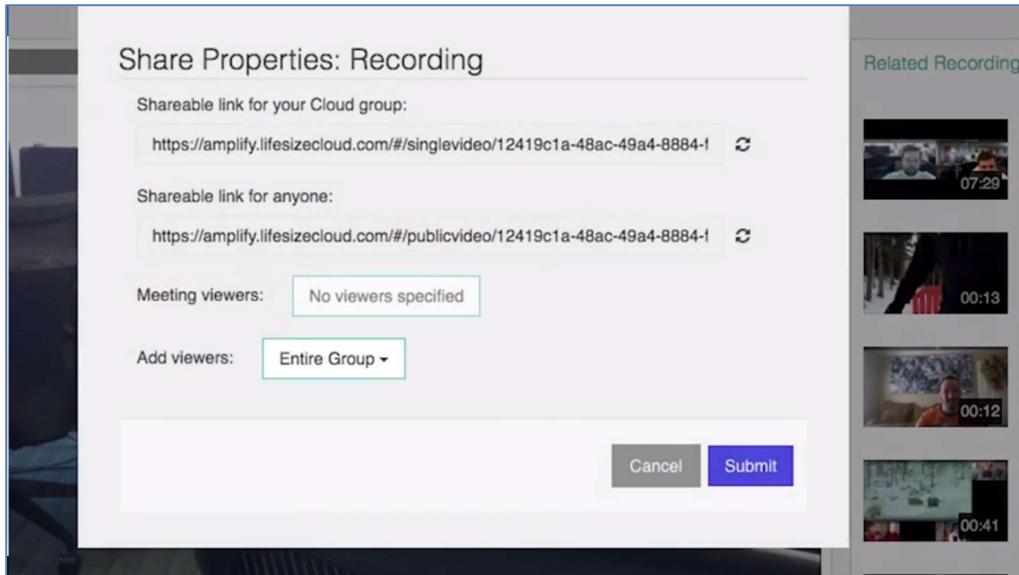
See <https://youtu.be/oMkL0TH7z3c>.

83. On information and belief, the Lifesize Live Stream Platform generates one or more codes, including without limitation codes comprising a unique alpha-numeric string, including but not limited to URL and Hyper Text Mark-Up Language (HTML) codes, which are associated with the recorded and stored audio and video, to facilitate accessing the recorded and stored audio and video material from an additional location, such as a location from which another user of the Lifesize Live Stream Platform is accessing the Lifesize Live audio and video material, as demonstrated by the screen capture below:



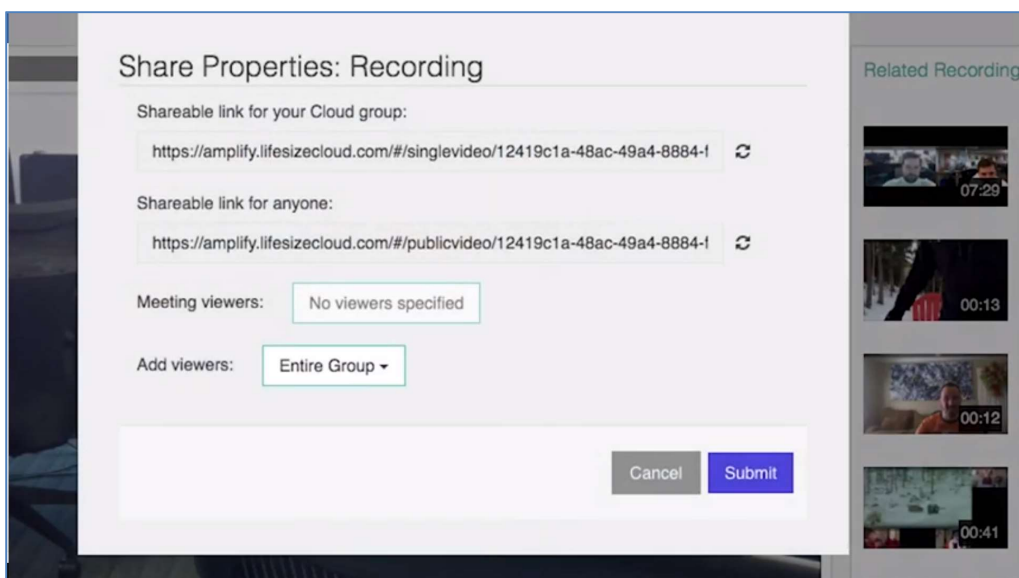
See <https://youtu.be/oMkL0TH7z3c>.

84. On information and belief, the content of the one or more codes generated by the Lifesize Live Stream Platform depends on the type of code supported by the additional location. On information and belief, the content of the one or more codes generated by the Lifesize Live Stream Platform depends on, among other things, the data transfer protocols that are supported by the client and/or device from which another user of the Lifesize Live Stream Platform is accessing the Lifesize Live Stream audio and video material, including but not limited to the Hypertext Transfer Protocol Secure (HTTPS) protocol.



See <https://youtu.be/oMkL0TH7z3c>.

85. On information and belief, the Lifesize Live Stream Platform enables the copying and pasting of codes associated with the recorded and stored audio and video material, including without limitation codes comprising a unique alpha-numeric string, including but not limited to URL and HTML codes, to additional locations, wherein the activation of such a code provides access to the recorded audio and video from additional locations.



See <https://youtu.be/oMkL0TH7z3c>.

86. On information and belief, Lifesize directly infringes at least claims 1 and 21 of the '728 patent, and is in violation of 35 U.S.C. § 271(a) by using and providing to others the Lifesize Live Stream Platform.

87. On information and belief, Lifesize has been on notice of the '728 patent at least as early as the filing and service of the Complaint in this action.

88. On information and belief, at least since its post-filing knowledge of the '728 patent, Lifesize knowingly encourages, and continues to encourage, customers to directly infringe one or more claims of the '728 patent, including by Lifesize's actions that include, without limitation, instructing and encouraging customers to use the

Lifesize Live Stream Platform through user guides,²² advertisements²³, promotional materials²⁴ and instructions.²⁵

89. On information and belief, at least since its post-filing knowledge of the '728 patent, Lifesize knows that the acts Lifesize induced customers to take constitute patent infringement and Lifesize's encouraging acts result in direct infringement by customers.

90. On information and belief, Lifesize instructs and continues to instruct customers to use the Lifesize Live Stream Platform including, without limitation, through Lifesize's website, which provides access to, and support for, using the Lifesize Live Stream Platform.

91. On information and belief, Lifesize's customers²⁶ directly infringe at least claims 1 and 21 of the '728 patent through their use of the Lifesize Live Stream Platform.

²² See e.g. <https://www.lifesize.com/en/app-help/user/live-stream>.

²³ See e.g. <https://www.youtube.com/watch?v=oMkL0TH7z3c>.

²⁴ See e.g. https://www.lifesize.com/~media/Documents/Product%20Documentation/Live%20Stream/SS_LiveStream_US_0117.ashx.

²⁵ See e.g. <https://www.lifesize.com/en/resources/videos/lifesize-live-stream-overview>.

²⁶ Lifesize's customers, who directly infringe one or more of the claims of the '728 patent, include but are not limited to the specific aforementioned customers located in this judicial district, (e.g. WP Engine, Silicon Labs, Heaven Hill Brands, Village Presbyterian Church, and Vanguard Truck Centers), as well as other Lifesize customers including but not limited to Disney, Yale University, Toyota, Ohio State University, Yelp, Crocs, Twitter, NASA, and Clear.

92. On information and belief, Lifesize is in violation of 35 U.S.C. § 271(b) and has been, at least since its post-filing knowledge of the '728 patent, indirectly infringing and continues to indirectly infringe at least claims 1 and 21 of the '728 patent by knowingly and specifically intending to induce infringement by others (including, without limitation, Lifesize's customers) and possessing specific intent to encourage infringement by Lifesize's customers.

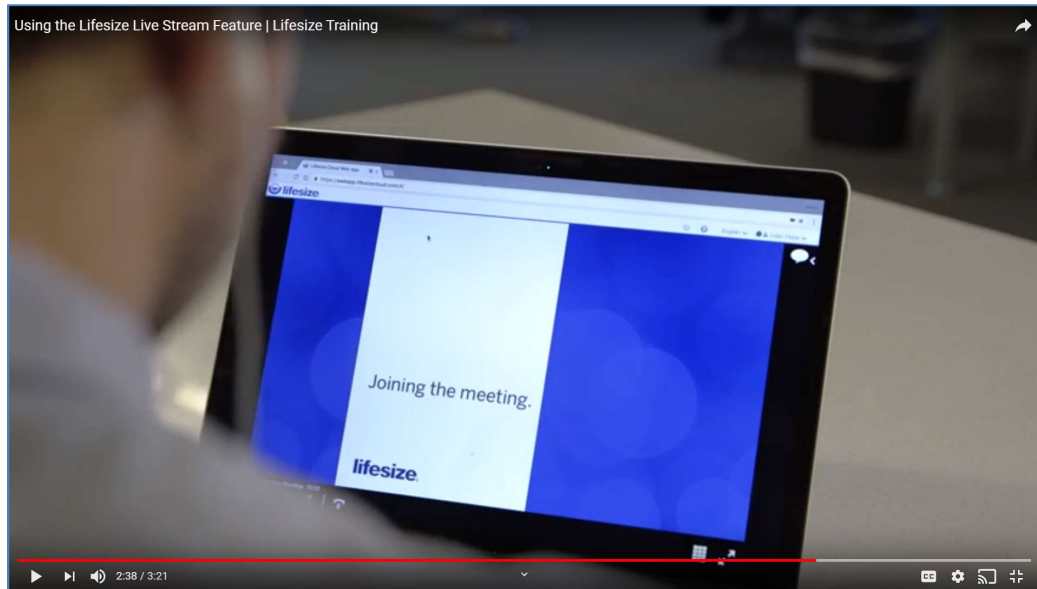
93. Lifesize's direct and/or indirect infringement has damaged Onstream and caused it to suffer and will continue to suffer irreparable harm and damages as a result of Lifesize's infringement.

Count III – Infringement of United States Patent No. 10,038,930

94. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

95. The Lifesize Live Stream Platform infringes, literally and/or under the doctrine of equivalents, at least claim 1 of the '930 patent.

96. On information and belief, the Lifesize Live Stream Platform employs and provides a method that transmits via a network a browser-independent recording application from Lifesize's servers to the devices used by Lifesize's users.



See e.g. <https://youtu.be/oMkL0TH7z3c>.

Browser-Based Calling

Using the Lifesize Web App provides the same experience as desktop apps without the need for IT to install software or complicated plug-ins. From the frequent user to the guest, meet on time without the complexity.

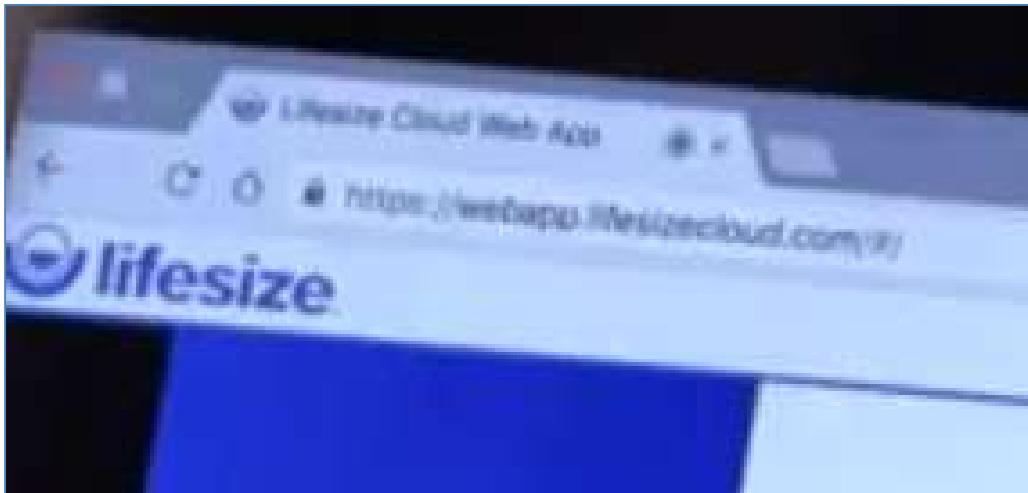
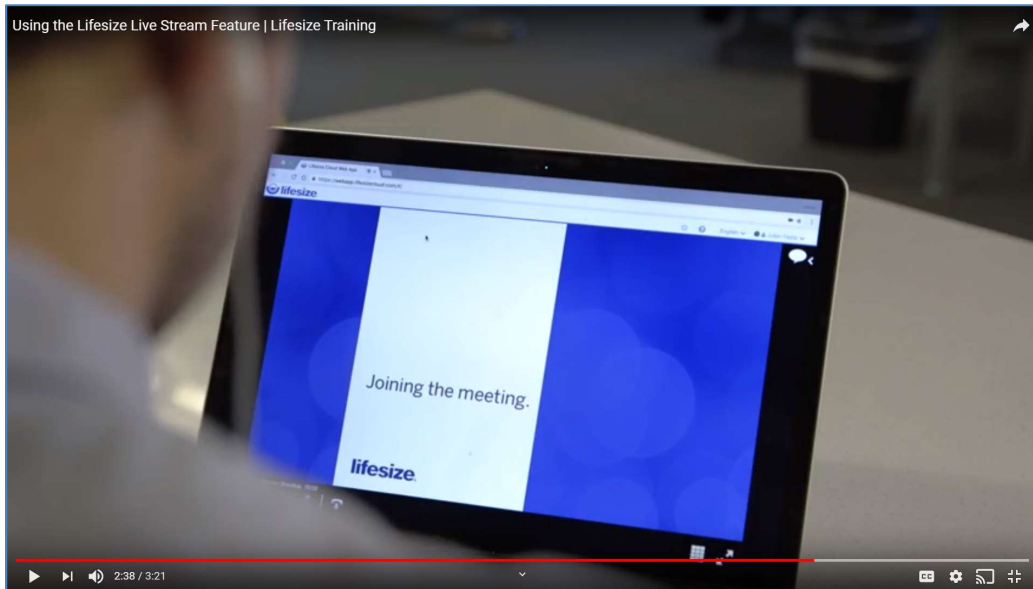
See also

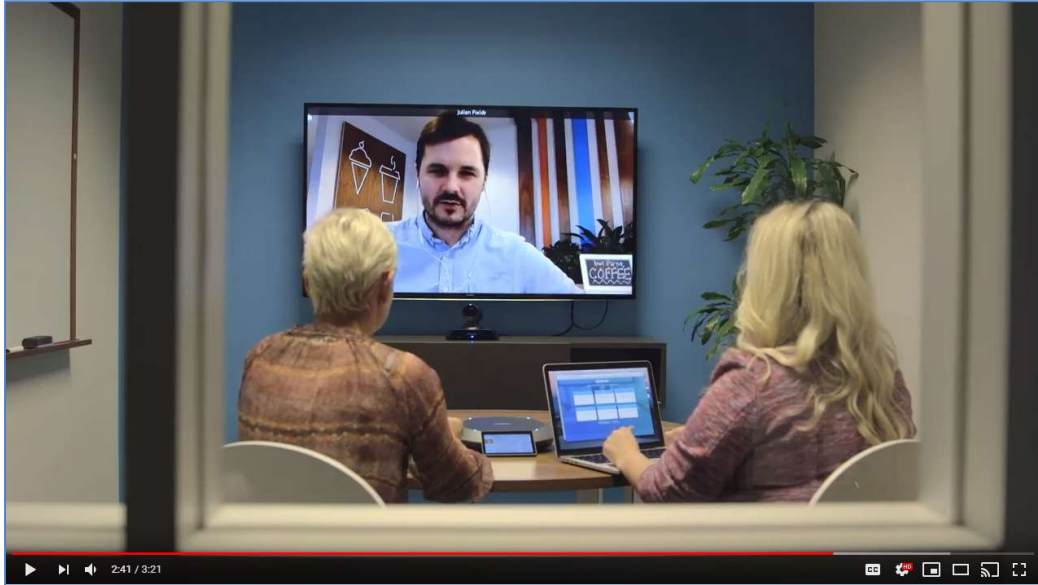
<https://www.lifesize.com/~media/Documents/Related%20Resources/Product%20Papers/Competitive%20Lifesize%20Cloud%20vs%20Web%20Conferencing.ashx>.

97. On information and belief, Lifesize's servers receive a media stream from the devices used by Lifesize's users.

98. On information and belief, the media streams which are transmitted to Lifesize's servers, including servers which are reachable through the [lifesizecloud.com](https://www.lifesizecloud.com)

URL, are captured by the Lifesize browser-independent recording applications, which execute in a browser, as demonstrated by the screenshots below:





See e.g. <https://youtu.be/oMkL0TH7z3c>.

99. On information and belief, the Lifesize Live Stream Platform does not require the installation of record management software to be installed on the devices used by their users to access the Lifesize Live Stream Platform:

Browser-Based Calling

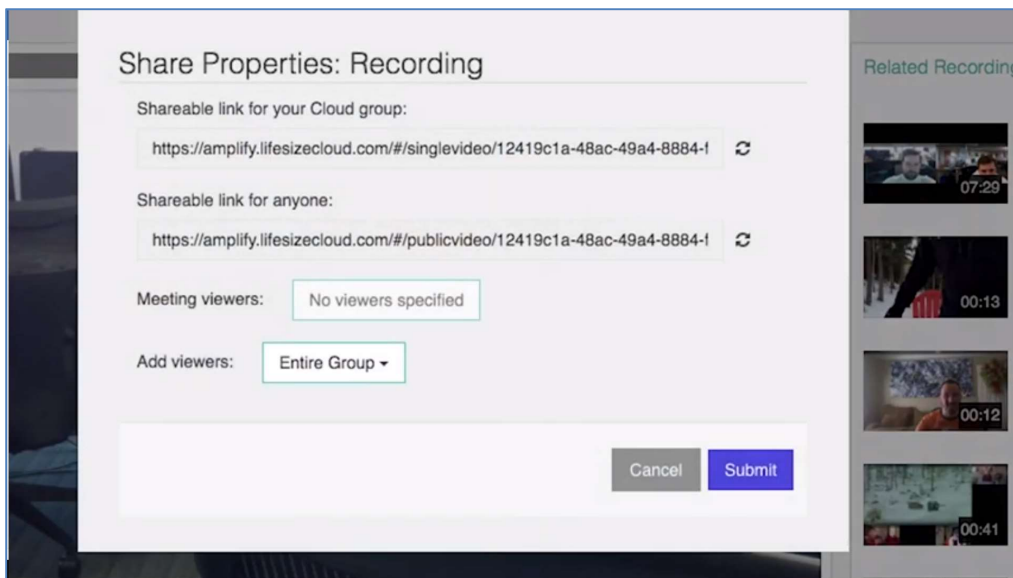
Using the Lifesize Web App provides the same experience as desktop apps without the need for IT to install software or complicated plug-ins. From the frequent user to the guest, meet on time without the complexity.

See

<https://www.lifesize.com/~media/Documents/Related%20Resources/Product%20Papers/Competitive%20Lifesize%20Cloud%20vs%20Web%20Conferencing.ashx>.

100. On information and belief, the media streams generated by the users of the Lifesize Live Stream Platform are recorded on Lifesize's servers, including servers

which are reachable through the lifesizecloud.com URL, using at least the Lifesize Web App client, which is a browser-independent recording application.



See <https://youtu.be/oMkL0TH7z3c>.

101. On information and belief, Lifesize directly infringes at least claims 1 and 11 of the '930 patent, and is in violation of 35 U.S.C. § 271(a) by using and providing to others the Lifesize Live Stream Platform.

102. On information and belief, Lifesize has been on notice of the '930 patent at least as early as the filing and service of the Complaint in this action.

103. On information and belief, at least since its post-filing knowledge of the '930 patent, Lifesize knowingly encourages, and continues to encourage, customers to directly infringe one or more claims of the '930 patent, including by Lifesize's actions that include, without limitation, instructing and encouraging customers to use the

Lifesize Live Stream Platform through user guides,²⁷ advertisements²⁸, promotional materials²⁹ and instructions.³⁰

104. On information and belief, at least since its post-filing knowledge of the '930 patent, Lifesize knows that the acts Lifesize induced customers to take constitute patent infringement and Lifesize's encouraging acts result in direct infringement by customers.

105. On information and belief, Lifesize instructs and continues to instruct customers to use the Lifesize Live Stream Platform including, without limitation, through Lifesize's website, which provides access to, and support for, using the Lifesize Live Stream Platform.

106. On information and belief, Lifesize's customers³¹ directly infringe at least claims 1 and 11 of the '930 patent through their use of the Lifesize Live Stream Platform.

²⁷ See e.g. <https://www.lifesize.com/en/app-help/user/live-stream>.

²⁸ See e.g. <https://www.youtube.com/watch?v=oMkL0TH7z3c>.

²⁹ See e.g. https://www.lifesize.com/~media/Documents/Product%20Documentation/Live%20Stream/SS_LiveStream_US_0117.ashx.

³⁰ See e.g. <https://www.lifesize.com/en/resources/videos/lifesize-live-stream-overview>.

³¹ Lifesize's customers, who directly infringe one or more of the claims of the '930 patent, include but are not limited to the specific aforementioned customers located in this judicial district, (e.g. WP Engine, Silicon Labs, Heaven Hill Brands, Village Presbyterian Church, and Vanguard Truck Centers), as well as other Lifesize customers including but not limited to Disney, Yale University, Toyota, Ohio State University, Yelp, Crocs, Twitter, NASA, and Clear.

107. On information and belief, Lifesize is in violation of 35 U.S.C. § 271(b) and has been, at least since its post-filing knowledge of the '930 patent, indirectly infringing and continues to indirectly infringe at least claims 1 and 11 of the '930 patent by knowingly and specifically intending to induce infringement by others (including, without limitation, Lifesize's users) and possessing specific intent to encourage infringement by Lifesize's users. The components of the Lifesize Live Stream Platform are specifically configured to function in accordance with the '930 patent claims, are material parts of the invention.

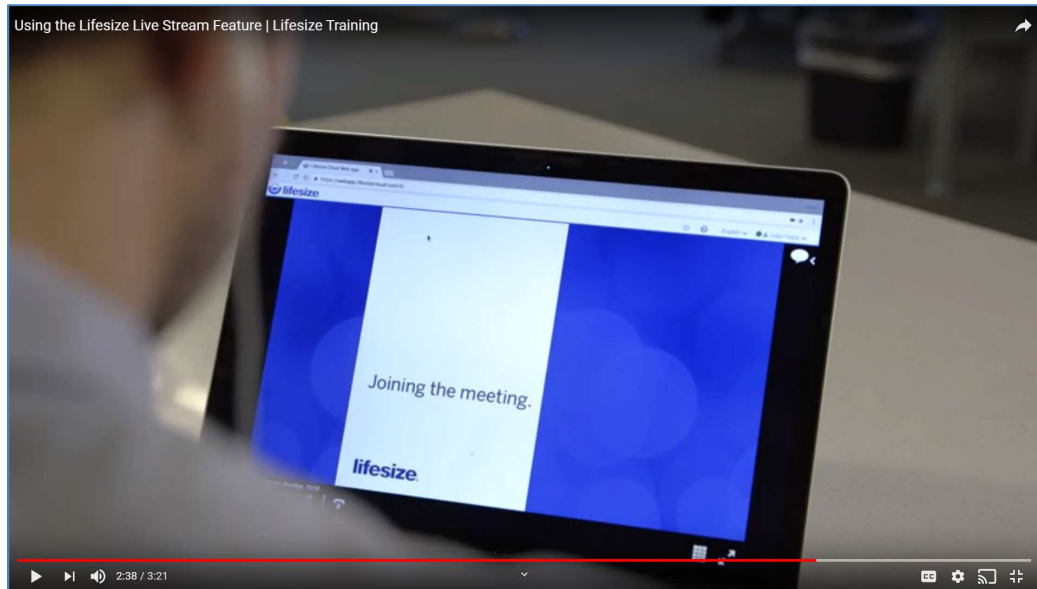
108. Lifesize's direct and/or indirect infringement has damaged Onstream and caused it to suffer and will continue to suffer irreparable harm and damages as a result of Lifesize's infringement.

Count IV - Infringement of United States Patent No. 10,200,648

109. Onstream repeats, realleges, and incorporates by reference, as if fully set forth here, the allegations of the preceding paragraphs above.

110. The Lifesize Live Stream Platform, infringes, literally and/or under the doctrine of equivalents, at least claim 1 of the '648 patent.

111. On information and belief, the Lifesize Live Stream Platform employs and provides an Internet-based recording method that performs all of its audio and video recording functions over an Internet browser connection established between a user front end and a host back end.



See e.g. <https://youtu.be/oMkL0TH7z3c>.

112. On information and belief, the Lifesize Live Stream Platform records audio and video material that is created by a user over an internet browser connection, without requiring recording functionality to be present in the user's device.

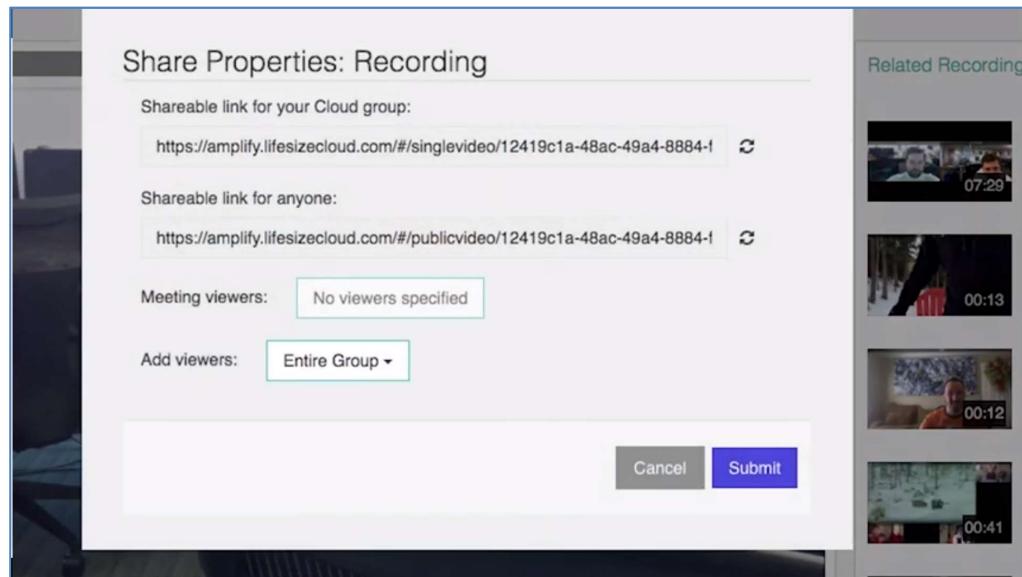
Browser-Based Calling

Using the Lifesize Web App provides the same experience as desktop apps without the need for IT to install software or complicated plug-ins. From the frequent user to the guest, meet on time without the complexity.

See

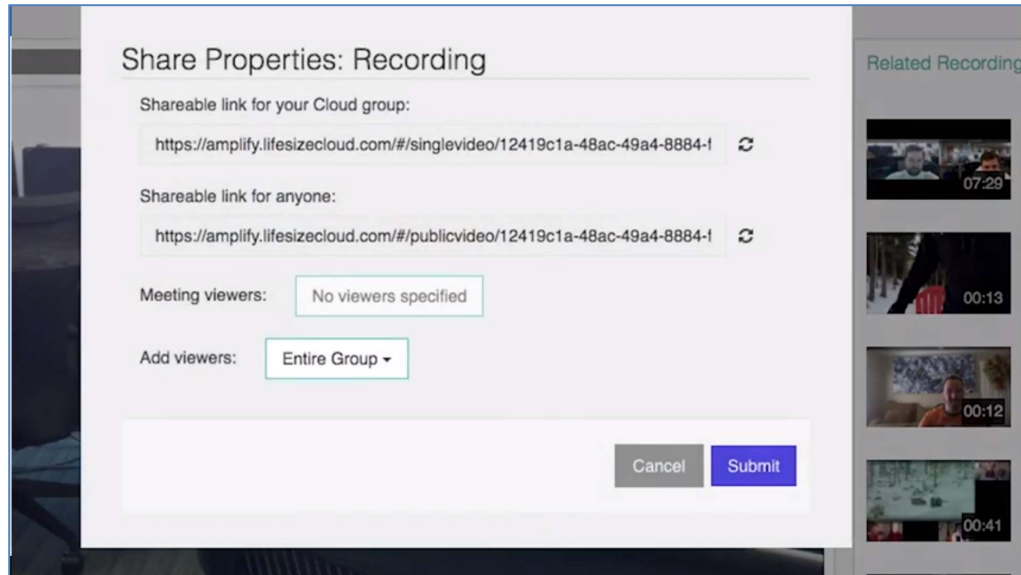
<https://www.lifesize.com/~media/Documents/Related%20Resources/Product%20Papers/Competitive%20Lifesize%20Cloud%20vs%20Web%20Conferencing.ashx>.

113. On information and belief, the Lifesize Live Stream Platform stores audio and video material on Lifesize's servers, including but not limited to servers accessible through the lifesizecloud.com URL.



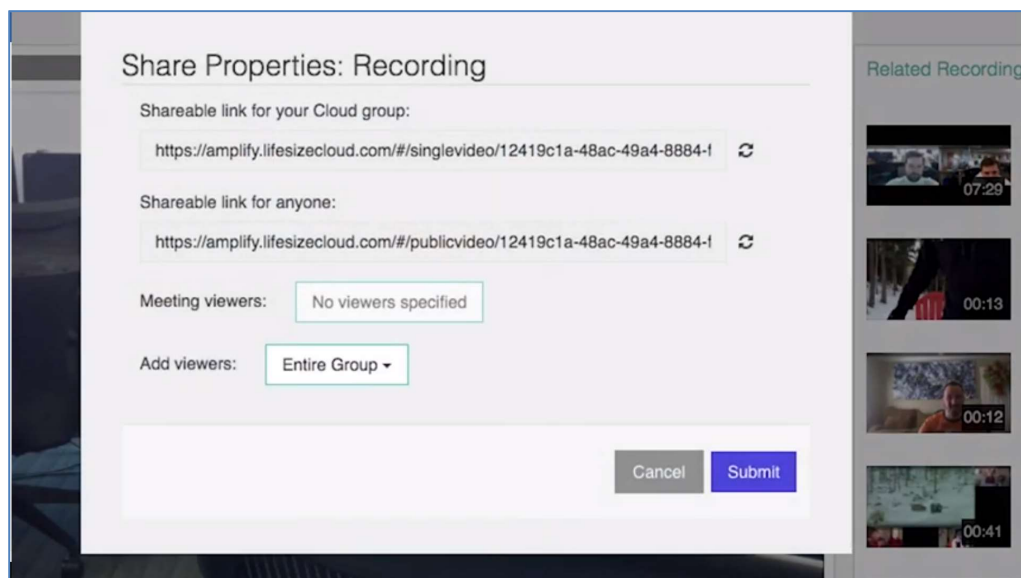
See <https://youtu.be/oMkL0TH7z3c>.

114. On information and belief, the Lifesize Live Stream Platform generates one or more codes, including without limitation codes comprising a unique alphanumeric string, including but not limited to URL and HTML codes, associated with the recorded and stored audio and video, to facilitate accessing the recorded and stored audio and video material.



See <https://youtu.be/oMkL0TH7z3c>.

115. On information and belief, the Lifesize Live Stream Platform enables the copying and pasting of code, including without limitation codes comprising a unique alpha-numeric string, including but not limited to URL and HTML codes, to additional locations, wherein the activation of such a code provides access to the recorded audio and video from additional locations.



See <https://youtu.be/oMkL0TH7z3c>.

116. On information and belief, Lifesize directly infringes at least claims 1 and 18 of the '648 patent, and is in violation of 35 U.S.C. § 271(a) by using and providing to others the Lifesize Live Stream Platform.

117. On information and belief, Lifesize has been on notice of the '648 patent at least as early as the filing and service of the Complaint in this action.

118. On information and belief, at least since its post-filing knowledge of the '648 patent, Lifesize knowingly encourages, and continues to encourage, customers to directly infringe one or more claims of the '648 patent, including by Lifesize's actions that include, without limitation, instructing and encouraging customers to use the Lifesize Live Stream Platform through user guides,³² advertisements³³, promotional materials³⁴ and instructions.³⁵

119. On information and belief, at least since its post-filing knowledge of the '648 patent, Lifesize knows that the acts Lifesize induced customers to take constitute patent infringement and Lifesize's encouraging acts result in direct infringement by customers.

³² See e.g. <https://www.lifesize.com/en/app-help/user/live-stream>.

³³ See e.g. <https://www.youtube.com/watch?v=oMkL0TH7z3c>.

³⁴ See e.g. https://www.lifesize.com/~media/Documents/Product%20Documentation/Live%20Stream/SS_LiveStream_US_0117.ashx.

³⁵ See e.g. <https://www.lifesize.com/en/resources/videos/lifesize-live-stream-overview>.

120. On information and belief, Lifesize instructs and continues to instruct customers to use the Lifesize Live including, without limitation, through Lifesize's website, which provides access to, and support for, using the Lifesize Live Stream Platform .

121. On information and belief, Lifesize's customers³⁶ directly infringe at least claims 1 and 18 of the '648 patent through their use of the Lifesize Live Stream Platform.

122. On information and belief, Lifesize is in violation of 35 U.S.C. § 271(b) and has been, at least since its post-filing knowledge of the '648 patent, indirectly infringing and continues to indirectly infringe at least claims 1 and 18 of the '648 patent by knowingly and specifically intending to induce infringement by others (including, without limitation, Lifesize's users) and possessing specific intent to encourage infringement by Lifesize's users.

123. Lifesize's direct and/or indirect infringement has damaged Onstream and caused it to suffer and will continue to suffer irreparable harm and damages as a result of Lifesize's infringement.

³⁶ Lifesize's customers, who directly infringe one or more of the claims of the '648 patent, include but are not limited to the specific aforementioned customers located in this judicial district, (e.g. WP Engine, Silicon Labs, Heaven Hill Brands, Village Presbyterian Church, and Vanguard Truck Centers), as well as other Lifesize customers including but not limited to Disney, Yale University, Toyota, Ohio State University, Yelp, Crocs, Twitter, NASA, and Clear.

JURY DEMANDED

124. Pursuant to Federal Rule of Civil Procedure 38(b), Onstream hereby requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

Onstream respectfully requests this Court to enter judgment in Onstream's favor and against Lifesize as follows:

- a. finding that Lifesize has infringed one or more claims of the '068 patent under 35 U.S.C. § 271(a) and/or (b);
- b. finding that Lifesize has infringed one or more claims of the '728 patent under 35 U.S.C. § 271(a) and/or (b);
- c. finding that Lifesize has infringed one or more claims of the '930 patent under 35 U.S.C. § 271(a) and/or (b);
- d. finding that Lifesize has infringed one or more claims of the '648 patent under 35 U.S.C. § 271(a) and/or (b);
- e. awarding Onstream damages under 35 U.S.C. § 284, or otherwise permitted by law, including supplemental damages for any continued post-verdict infringement;
- f. awarding Onstream pre-judgment and post-judgment interest on the damages award and costs;
- g. awarding cost of this action (including all disbursements) and attorney fees pursuant to 35 U.S.C. § 285, or as otherwise permitted by the law; and

- h. awarding such other costs and further relief that the Court determines to be just and equitable.

Dated: December 13, 2019

Respectfully submitted,

/s/Raymond W. Mort, III
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